

STATE OF MICHIGAN
COURT OF APPEALS

NORMA KAKISH and RAJAIE KAKISH,

Plaintiffs-Appellees,

v

DOMINION OF CANADA GENERAL
INSURANCE COMPANY,

Defendant-Appellant.

UNPUBLISHED
September 28, 2006

No. 260963
Ingham Circuit Court
LC No. 04-000809-NI

ON REMAND

Before: Fitzgerald, P.J., and O'Connell and Kelly, JJ.

O'CONNELL, J. (*dissenting*).

I respectfully dissent. In addition to meeting all of the requirements of ancillary jurisdiction, *People v Young (On Remand)*, 220 Mich App 420, 434, 435; 559 NW2d 670 (1996), the most convenient forum for the parties is in the Michigan court system. I would affirm the decision of the trial court.

In this case, the accident occurred in Michigan, and all of the eyewitnesses have agreed to appear in Michigan for depositions and court proceedings. The initial treatment of plaintiff's injuries occurred in Michigan and was provided by Michigan physicians, and the nature and extent of the injuries immediately after they occurred appear to be of paramount importance in this case. Additionally, Michigan law will govern the resolution of the issues in this case. Plaintiff's no-fault claim will be resolved under Michigan's no-fault act, and plaintiff's unidentified motorist claims will be resolved under Michigan law pursuant to a contract provision that provides that liability shall be decided in accordance with the law of the place where the accident occurred.

In my opinion, all of the requirements for ancillary jurisdiction have been met, and the most convenient place to adjudicate this case is Michigan. I would affirm the decision of the trial court.

/s/ Peter D. O'Connell